

1 ROBERT M. DRASKOVICH, ESQ.
2 Nevada Bar Number 6275
3 THE DRASKOVICH LAW GROUP
4 815 S. Casino Center Boulevard
Las Vegas, Nevada 89101
702-474-4222
robert@draskovich.com

4 *Attorney for Luis Arellano*

5 **UNITED STATES DISTRICT COURT**
6 **FOR THE DISTRICT OF NEVADA**

7 UNITED STATES OF AMERICA,

8 Plaintiff,

9 v.

10 LUIS ARELLANO, and
11 aka "Lewis Arellano:
aka "Laughter"

12 Defendant.

Case No. 2:20-mj-00828-BNW

**Stipulation and Order to Continue the Initial
Appearance/Detention Hearing
(First Request)**

14 IT IS HEREBY STIPULATED AND AGREED by and between, Nicholas A.
15 Trutanich, United States Attorney, District of Nevada, Kevin D. Schiff, Assistant United States
16 Attorney, representing the United States of America, and Robert M. Draskovich, Esq.,
17 representing Defendant Luis Arellano, that the Initial Appearance/Detention Hearing in the
18 above captioned case, which is currently scheduled for September 25, 2020 at 2:30 P.M., be
19 continued to Monday, September 28, 2020 or to a date and time convenient for the Court but
20 not more than one week from the current setting.

21 1. On March 16, 2020, the Chief Judge of the U.S. District Court for the District of Nevada
22 issued Temporary General Order 2020-03, which found that due to the outbreak of the
23 coronavirus disease 2019 ("COVID-2019") in the District of Nevada, the declaration by
24 the Governor of the State of Nevada of a public health emergency due to the spread of

1 COVID-19 in Nevada, and the declaration of local emergencies by local governments due
2 to COVID-19, including Clark County, the Court has sustained “reduced ability to obtain
3 an adequate spectrum of jurors,” and it noted the effects of public health
4 recommendations, including “social distancing measures.” General Order 2020-03
5 accordingly continued all civil and criminal trials until April 10, 2020, pending further
6 order of the Court and found that “the ends of justice are best served by ordering the
7 continuances, which outweighs the best interests of the public and any defendant’s right
8 to a speedy trial under 18 U.S.C. § 3161(h)(7)(A).” On April 9, 2020, Chief Judge Du
9 entered Amended General Order 2020-03, which provided, “the Court has determined
10 that jury trials must be further postponed” without indicating how long the postponement
11 will continue. Amended General Order 2020-03 states further that the “each presiding
12 judge will address any needed continuance of their trial in their individual cases.”

13 2. On March 19, 2020, the Chief Judge of the U.S. District Court for the District of Nevada
14 issued Temporary General Order 2020-04, which noted that “the COVID-19 pandemic
15 has continued to spread,” resulting in the need for “more aggressive social-distancing
16 measures.” The Court noted further that, “[o]n March 17, 2020, the Governor of the
17 State of Nevada ordered the closure of many business establishments and strongly
18 encouraged all citizens to stay home.” Accordingly, the Court ordered the temporary
19 closure of the Clerk’s office, and implemented other changes, including “striving to
20 eliminate in-person court appearances.” In the event any hearing must go forward, the
21 Court will conduct the hearing via video or teleconference. On April 29, 2020, the Court
22 issued an amended General Order 2020-04, setting forth certain filing procedures and
23 noting its “plans to incrementally resume in-person court appearances as appropriate
24 based on recommended health guidelines.”

- 1 3. On March 30, 2020, the Court issued Temporary General Order 2020-05, making
- 2 findings under section 15002(b)(1) of the Coronavirus Aid, Relief, and Economic
- 3 Security Act (“CARES Act”), authorizing the use of video and telephone for court
- 4 hearings, and noting that all courtrooms would be physically closed to the parties and
- 5 the public. On June 25, 2020, the Court issued Amended General Order 2020-05,
- 6 extending the original order for 90 days, until September 28, 2020.
- 7 4. Based on the public health emergency brought about by the COVID-2019 pandemic, the
- 8 required social-distancing measures as recognized in the Temporary General Orders, and
- 9 the need for additional time to prepare the defense, both during the public health
- 10 emergency and once the public health emergency is resolved, the parties agree to
- 11 continue the currently scheduled Preliminary Examination on August 5, 2020, to a date
- 12 and time convenient for the Court, but not less than 30 days from the current settings.
- 13 5. This continuance is not sought for purposes of delay, but to account for the necessary
- 14 social-distancing in light of the COVID-2019 public health emergency, and to allow the
- 15 defense adequate time to prepare during the public health emergency and following its
- 16 resolution.
- 17 6. Denial of this request could result in a miscarriage of justice, and the ends of justice
- 18 served by granting this request outweigh the best interests of the public and the defendant
- 19 in a speedy trial.
- 20 7. The defendant is incarcerated but does not object to the continuance.
- 21 8. This is the first request to continue the Initial Appearance/Detention Hearing.
- 22 9. Counsel for Defendant Arellano has a pre-planned family trip to rural Utah.

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1 10. The additional time requested by this stipulation is pursuant to Title 18, United States
2 Code, Sections 3142(f)(2).

3 DATED this 23rd day of September, 2020.

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5 NICHOLAS A. TRUTANICH
United States Attorney

6 /s/ Kevin D. Schiff
7 KEVIN D. SCHIFF
Assistant United States Attorney

/s/ Robert Draskovich
8 ROBERT M. DRASKOVICH
Counsel for Defendant Arellano

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

UNITED STATES OF AMERICA,
Plaintiff,
v.
LUIS ARELLANO, and
aka "Lewis Arellano:
aka "Laughter"
Defendant.

Case No. 2:20-mj-00828-BNW

Order Continuing the Initial Appearance/Detention Hearing

LUIS ARELLANO, and
aka "Lewis Arellano;
aka "Laughter"

Defendant.

Based upon the pending Stipulation of counsel, and good cause appearing therefor, the Court hereby finds that:

IT IS HEREBY ORDERED that the initial appearance/detention hearing in the above-captioned matter currently scheduled for September 25, 2020 at 2:30 p.m., be vacated and continued to Monday, September 28, 2020, at the hour of 2:30 p.m. in courtroom 3D.

DATED AND DONE this 25th day of September, 2020.

Respectfully Submitted By:

NANCY J. KOPPE
UNITED STATES MAGISTRATE JUDGE

/s/ Robert M. Draskovich

Robert M. Draskovich, Esq.
Nevada Bar Number 6275
Attorney for Defendant Arellano